

REMARKS

This is in full and timely response to the Final Rejection mailed February 21, 2007. Reexamination and reconsideration are respectfully requested. If the Examiner has any suggestions for placing this application in even better form, the Examiner is invited to telephone the undersigned at the number listed below.

Claims 8-11, which contain subject matter that is allowable over the art of record, are directed to statutory subject matter as defined in 35 U.S.C. § 101. For example, claim 8 recites:

[a] method for measuring a three-dimensional shape of an object to be measured by irradiating and scanning the object with a laser light, the method comprising:

dividing the laser light into a plurality of beams having a predetermined angle in between for the irradiation;

reading out each of a plurality of reflected laser light beams, the plurality of the reflected laser light beams corresponding to the plurality of divided beams, respectively, and the plurality of divided beams being used for the irradiation; and

determining whether or not an interval between the plurality of reflected laser light beams corresponds to the predetermined angle to generate three dimensional shape data for said object when said interval corresponds to the predetermined angle.

This claim “requires the measurements of physical objects or activities to be transformed outside of the computer into computer data . . . , where the data comprises signals corresponding to physical objects or activities external to the computer system, and where the process causes a physical transformation of the signals which are intangible representations of the physical objects or activities.” Manipulation of Data Representing Physical Objects or Activities (Pre-Computer Process activity), MPEP §2106(IV)(B)(2)(b)(i).

The method in claim 8 measures physical objects or activities (e.g., irradiating and scanning the object with a laser light), transforms the measurements into computer data (e.g.,

reading out the reflected laser light beams) and causes a transformation of these signals within the computer (e.g., generating three-dimensional shape from the measured interval data).

The Applicant's claim 8 is highly analogous (regarding statutory subject matter considerations) to the method claim upheld in *Arrhythmia Research Technology v. Corazonix Corp.*, 958 F.2d 1053 (Fed. Cir. 1992). In that patent, the claimed method comprised steps of:

*converting [analog heart signals to digital signals];
applying [digital signals to a filter];
determining [a numerical value based on the output of the filter]; and
comparing [the value with a predetermined value].*

U.S. Pat. No. 4,422,459 to Simson. This upheld claim did not recite any "post-solution activity" after the comparing step "to communicate [the result] in some tangible manner to a user."

The Federal Circuit first rejected the idea that the resultant output was merely abstract, because it *related to* measured real world information (the patient's heart activity). *Arrhythmia*, 958 F.2d at 1059. Similarly, the result of the Applicant's method relates to real world information (the shape of the scanned object). The court also held that "[the] claimed steps of 'converting', 'applying', 'determining', and 'comparing' are physical process steps that transform one physical, electrical signal into another. *Id.* See also *In re Taner*, 681 F.2d 787 (CCPA '982). Similarly, the Applicant's method transforms one signal (intervals between the read laser light beams) to another (the generated three-dimensional shape data).

The process recited in claim 8 is clearly distinguishable from a process that *only* transforms signals or data inside a computer or merely converts one set of numbers into another. See MPEP §2106(IV)(B)(2)(b). Cf. *Parker v. Flook*, 437 U.S. 584 (1978) (holding non-statutory a claim that did not recite *any* relationship between the claimed method and a real-world activity). Because the process results in a physical transformation outside of the computer, and the resultant data represents physical objects, it falls within the defined "safe harbors."

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Therefore claim 8 is directed to statutory subject matter. For similar reasons, claims 9-11, dependent on claim 8, are also directed towards statutory subject matter. Because these claims contain subject matter allowable over the art, the Applicant requests that these claims be allowed.

For the foregoing reasons, Applicant believes the application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, from which the undersigned is authorized to draw, under Order No. SON-2898.

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Respectfully submitted

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